

Application No. 10/721,730
Amendment dated October 16, 2006
Reply to Office Action of July 25, 2006

REMARKS

Status Of Application

Claims 16-18, and 34-36 are pending in the application; the status of the claims is as follows:

Claims 16, 17, 34, and 35 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,179,638 to Dawson et al. ("Dawson").

Claims 18 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Amendments

Claims 16 and 34 have been amended to more particularly point out and distinctly claim the invention. These changes do not introduce any new matter.

35 U.S.C. § 102(e) Rejection

The rejection of claims 16, 17, 34, and 35 under 35 U.S.C. § 102(e) as being anticipated by Dawson, is respectfully traversed based on the following:

Dawson is directed to creating a texture mapped image from digital map images to provide a more realistic image (col. 2, lines 21-45). Data from a digital map unit (DMU) 109 is fed via an elevation cache memory 10 to a shape address generator 12, a symbol generator 38, a geometry engine 36 and a tiling engine 40. The digital image data is converted to screen coordinates (X and Y) and a range depth Z_w that represent the vertex of polygons in the object space (col. 5, lines 58-68). The shape address generator 12 and texture engine 30 combine to provide texture values for each polygon (col. 7, lines 59-65). The texture value and the polygons are rendered by the rendering engine 34 to provide a

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rendered polygon in screen space (col. 7, lines 49-58, Figures 10A-D). The rendered polygons are provided via the display memory 42 to a video generator 46 for display.

In contrast to the cited references, claim 16 includes:

an analyzer configured to analyze received code data and to generate image data based on said analyzed received code data, said received code data and said image data including sufficient information to define an image;

a generator configured to generate additional data based on said analyzed received code data; and

a synthesizer configured to synthesize said additional data with said image data and to output synthesized image data representing the image with the additional data encoded within the image.

The Office Action states that

(... the texture engine is read as the generator [that] generates the texture data read as the additional data, tiling engine is read as the analyzer that generates the polygon "image data" using the elevation read as the received data, and finally the rendering engine is read as the synthesizer that combines the two in order to get the "synthesized image data") as claimed.

Although Applicant submits that the polygons output from the geometry engine 36 and the tiling engine 40 do not represent any image until rendered by rendering engine 34, Applicant has amended claim 16 to more clearly indicate that the image data must include the information necessary to define the image. The output of tiling engine 40 is merely an intermediate step to producing the image and the data produced is insufficient to generate an image. In addition, as the "elevation data" is being read as the received code data, the "texture data" cannot be read to be the additional data because it is not derived from the elevation data and this is not "based on said analyzed received code data." It is generated from the "elevation post," which is part of the polygon data (Dawson col. 7, lines 42-65). To anticipate, the cited reference must show, expressly or inherently, every limitation of the claim. MPEP §2131. The cited reference does not show or suggest "an analyzer configured to analyze received code data and to generate image data based on said

analyzed received code data, said received code data and said image data including sufficient information to define an image.” Therefore, claim 16 is not anticipated by the cited references and is patentably distinct from the prior art. Claim 17 is dependent upon claim 16, and thus includes every limitation of claim 16. Therefore, claim 17 is also not anticipated by the cited references and is patentably distinct from the prior art.

Also in contrast to the cited references, claim 34 includes:

- receiving code data, said received code data including sufficient information to define an image represented by image data;
- analyzing said received code data and generating said image data based on said analyzed received code data, said image data sufficient to define said image;
- generating additional data based on said analyzed received code data; and
- synthesizing said additional data with said image data and outputting synthesized image data representing the image with the additional data encoded within the image.

As noted above, the output of tiling engine 40 is merely an intermediate step to producing the image and the data produced is insufficient to generate an image. Thus, the cited reference does not show or suggest “analyzing said received code data to generate said image data, said image data sufficient to define said image.” Also as noted above, since the “elevation data” is being read as the received code data, the “texture data” cannot be read to be the additional data because it is not derived from the elevation data and this is not “based on said analyzed received code data.” It is generated from the “elevation post,” which is part of the polygon data. Therefore, claim 34 is not anticipated by the cited references and is patentably distinct from the prior art. Claim 35 is dependent upon claim 34, and thus includes every limitation of claim 34. Therefore, claim 35 is also not anticipated by the cited references and is patentably distinct from the prior art.

Accordingly, it is respectfully requested that the rejection of claims 16, 17, 34, and 35 under 35 U.S.C. § 102(e) as being anticipated by Dawson, be reconsidered and withdrawn.

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CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin LLP Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

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Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: _____



Douglas A. Sorensen
Registration No. 31,570
Attorney for Applicant

DAS/lb:jjk
SIDLEY AUSTIN LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3482
Main: (214) 981-3300
Facsimile: (214) 981-3400
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